

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK ALAN MEHNER,

Defendant.

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8:07CR83

ORDER

This matter is before the court on defendant's motion for extension of time to file pretrial motions [17]. The defendant requests a 90-day continuance because new counsel was recently retained. Defendant has filed a waiver of speedy trial as previously ordered. For good cause shown, I find that the motion should be granted; however, the deadline was previously extended and this will be a final continuance of pretrial motion deadline.

IT IS ORDERED:

1. Defendant's motion for extension of time to file pretrial motions [17] is granted, and the defendant is given until and including **October 16, 2007** to file substantive pretrial motions. **This is a final continuance.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **July 16, 2007 and October 16, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence and the nature of the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED July 12, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**